

MORRISON COHEN LLP
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Presentment Date: December 6, 2013 at noon

Objection Deadline: December 5, 2013, 11:30 am

Counsel to Edward Park

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:
	:
	:
	:
LEHMAN BROTHERS HOLDINGS INC., et al	:
	:
Debtors.	:
-----X	

Chapter 11 Case No. 08-13555 (JMP)
(Jointly Administered)

MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR EDWARD PARK

TO: THE HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE

Morrison Cohen LLP ("Morrison") hereby moves for the entry of an order permitting it to withdraw as counsel of record for Edward Park ("Mr. Park") with respect to Mr. Park's filed Proof of Claim, and his opposition to the 315th and 318th Omnibus Claims Objections (together, the "Objections") filed by the Plan Administrator for Lehman Brothers Holdings, Inc. ("LBHI" or "Holdings"), as follows:

PRELIMINARY STATEMENT

1. On September 22, 2009, shortly after retaining Morrison, Proof of Claim No. 34235 was filed on Mr. Park's behalf (the "Park POC").
2. For several months, Morrison has been unable to communicate effectively with Mr. Park, who has been unwilling to pay Morrison for services rendered. Indeed, Mr. Park has not, since June 2010, compensated Morrison for the legal services it has performed on Mr. Park's

behalf, and there is no apparent prospect that he will do so for any future services Morrison may render on his behalf. For these reasons Morrison seeks permission to withdraw as counsel for Mr. Park at this time. There are no imminent proceedings expected on the Park POC, and accordingly Mr. Park will suffer no prejudice as a result of the withdrawal, and will have an opportunity to find new counsel of his choosing.

DISCUSSION

3. Pursuant to the Park POC, Mr. Park is seeking payment of unpaid compensation as a former Managing Director of LBHI's Merchant Banking Group.

4. LBHI objected to Mr. Park's claim through its 315th and 318th Omnibus Claims Objections (the "Objections"), both of which were filed on June 4, 2012 (Docket No's 28438 and 28442, respectively).

5. Discussions with counsel for the Plan Administrator did not resolve the Objections. Accordingly, Morrison filed and served a timely Response to the Objections on Mr. Park's behalf (Docket No. 30902).

6. Despite receiving the benefits of Morrison's services rendered thus far, Mr. Park has been unwilling to pay Morrison for those services.

7. The New York Rules of Professional Conduct permit a counsel to withdraw from a representation where "the client deliberately disregards an agreement or obligation to the lawyer as to expenses or fees." N.Y. Rules of Prof. Conduct 1.16(c)(5). Thus, "[i]t is well-settled that nonpayment of fees is a valid basis for the Court to grant counsel's motion to withdraw." *D.E.A.R. Cinestudi S.P.A. v. International Media Films, Inc.*, No. 03 Civ. 3038(RMB), 2006 WL 1676485, *1 (S.D.N.Y. June 16, 2006). Here, Mr. Park has failed to pay Morrison's last 23 invoices, dating back to June 2010, and he owes Morrison for over three years of work. Further,

there is no likelihood that Morrison will be paid for any subsequent legal work it might be obligated to perform on Mr. Park's behalf.

8. Morrison has had continuing contact with counsel for the Plan Administrator regarding the status of the Objections. No hearing, conference, or other proceeding has yet been scheduled regarding the Objections. Further, Morrison has not been made aware that counsel for the Plan Administrator is presently planning to schedule any hearing, conference, or other proceeding regarding the Objections. Accordingly, Mr. Park will not be prejudiced by Morrison's withdrawal as counsel at this time.

CONCLUSION

For the forgoing reasons, Morrison Cohen's motion to withdraw as counsel of record for Edward Park should be granted.

Dated: New York, New York

November 19, 2013

MORRISON COHEN LLP
Attorneys for Edward Park

By:

/s/ Joseph T. Moldovan
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Neil Y. Siegel
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Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
In re	: Chapter 11 Case No. 08-13555 (JMP)
	:
	: (Jointly Administered)
LEHMAN BROTHERS HOLDINGS INC., et al	:
	:
Debtors.	:
-----X	

**ORDER AUTHORIZING WITHDRAWAL OF MORRISON COHEN LLP AS
COUNSEL OF RECORD FOR EDWARD PARK**

Upon consideration of the motion of Morrison Cohen LLP ("Morrison") to withdraw as counsel of record for Edward Park in these proceedings (the "Motion") pursuant to New York Rule of Professional Conduct 1.16(c)(5), and Rule 2090-1(e) of the Local Rules of Bankruptcy Procedure for the Southern District of New York (the "Local Bankruptcy Rules"), and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the Standing Order M-61 Referring to Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C. J.); and due and proper notice of the Motion having been provided to (i); Mr. Edward Park; (ii) the attorneys for Lehman Brothers Holdings Inc. ("LBHI" and the "Plan Administrator"), as Plan Administrator under the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for certain entities in the above-referenced chapter 11 cases; (iii) the United States Trustee for the Southern District of New York (the "U.S. Trustee"); and (iv) the attorneys for the official committee of unsecured creditors appointed in these cases (the "Creditors' Committee"), and it appearing that no other or further notice need be provided; and the Court having found and determined that cause has been

shown to justify entry of the relief sought in the Motion; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted, and Morrison's withdrawal as counsel of record to Edward Park in these proceedings is hereby authorized.

2. Morrison's withdrawal shall be effective as of the entry of this Order on the docket.

3. No deadline is being imposed upon Mr. Park by this Order to enter the appearance of successor counsel.

Dated: New York, New York

December __, 2013

UNITED STATES BANKRUPTCY JUDGE